

IN THE UNITED STATE DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

SUNTRUST BANK, as Successor Trustee of)	
the Tom B. Swann Residual Trust,)	
)	
Plaintiff,)	
)	No. 3:07-CV-397
)	(PHILLIPS/GUYTON)
V.)	
)	
JOHN STONER,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636(c), Rule 73(b) of the Federal Rules of Civil Procedure, and the order of the District Court [Doc. 45] referring the Plaintiff's Motion to Set Rule 26(f) Conference [Doc. 44] to the undersigned. The Court held a telephonic hearing to address the Plaintiff's motion on August 14, 2009. Attorneys William Leader and Julie Burnstein were present representing the Plaintiff. Attorney Ralph Harwell was present representing Defendant John Stoner.

During the hearing, Mr. Leader stated that the Plaintiff seeks to begin discovery in this matter. Specifically, the Plaintiff wants to propound written discovery and schedule depositions in this matter. Mr. Harwell stated that this case has grown beyond the initial matters which he was retained to address, and Mr. Harwell was unsure of whether he would continue to represent Defendant Stoner in this matter. Mr. Harwell sought additional time to confer with his client about the representation, prior to beginning discovery.

The Court has considered the parties' positions and has also taken into account the fact that the trial in this matter is currently scheduled for July 20, 2010, approximately eleven months from now. Accordingly, the Court finds the Motion [Doc. 44] is well-taken and it is **GRANTED**, with the following limitations. Mr. Harwell and Defendant Stoner shall have up to and including **September 14, 2009**, in which to confer about Mr. Harwell continuing to represent Defendant Stoner in this matter. However during this time, the Plaintiff has leave to propound written discovery on Defendant Stoner. Further, the parties shall have up to and including **September 28, 2009**, in which to make their initial disclosures under Rule 26(a).

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge